

FLORENCE TOWNSHIP COUNCIL EXECUTIVE SESSION

September 13, 2006

8:00 PM

CALL TO ORDER

Council President Fratinardo called the meeting to order.

SUNSHINE STATEMENT

The Township Clerk read the Opening Statement: Notice of this meeting has been given in accordance with the Open Public Meetings Act. Notice was published in the Burlington County Times on January 8, 2006; given to the Register News for information; posted on the municipal bulletin board.

ROLL CALL

Present: Frank Baldorossi, Bruce Garganio, Elizabeth Ryan, Jerry Sandusky, John Fratinardo

Also Present: Mayor Michael Muchowski; Richard A. Brook, Township Administrator; Thomas Sahol, Assistant Municipal Administrator; Dante Guzzi, Township Engineer; Russell Trice, Township Water and Sewer Engineer; William John Kearns, Jr., Township Solicitor; Joy Weiler, Township Clerk

PUBLIC COMMENT

Nothing at this time.

All residents having an opportunity to be heard, MOTION by Garganio; seconded by Sandusky to close the public portion of the meeting. All ayes - motion carried.

TOWNSHIP WATER AND SEWER ENGINEER

Update: Hydrogeologic Report

Russell Trice, Township Water and Sewer Engineer, reported that the Hydrogeologic Report has been submitted to NJDEP for review.

Water Allocation

Mr. Trice is also working on the status of the township's water supply; usage and updating the calculations to determine where the township stands in relation to the allocation. There are a couple of big users coming in soon; he needs to know how soon he needs to go to DEP for water allocation.

Tall Pines Water and Sewer

Mr. Trice stated that there are only a few punch list items to be completed and then the contract can be closed out.

AUDIT REPORT: JOHN J. MALEY, Jr.

The Township Auditor reviewed the 2005 Audit. He discussed the following:

- Assets of General Funds
- Liabilities of General Funds
- Fund Balance
- Revenues for the year
- Expenditures for the year

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- Surplus
- Added Assessments
- Trust Fund
- General Capital Debt
- Water & Sewer Fund Balance
- Water & Sewer Revenues and Expenditures

Mr. Maley discussed his findings and recommendations. Council will need to approve a Resolution to be filed with the DCA indicating that they are familiar with the findings and recommendations. A corrective action plan will need to be prepared for one item, which Council will adopt by Resolution and file with DCA. The Auditor stated that the township is in very good condition and is complying with rules and regulations.

TOWNSHIP ENGINEER

Update on High School

Dan Guzzi, Township Engineer, stated that a temporary Certificate of Occupancy has been issued.

Roebling Tennis Courts

Mr. Guzzi recommends base repair and an overlay for a parking lot. He reviewed the lot layout, which would be thirty-two (32) spaces including one (1) handicapped space. The estimated cost is \$24,100.

Mayor Muchowski asked, now that the new basketball courts have been built, if the old basketball court next to the little league baseball field will be removed? It is in very bad condition and would create room for future expansion. Administrator Brook stated that it will be removed, graded, top soiled and seeded.

H. Kenneth Wilkie River's Edge Park: Tennis Courts, Practice Wall, ect.

Mr. Guzzi gave a review of the plans for Wilkie Park. The plans include replacing the fence and moving back for a new sidewalk, which would be safer. Also realigning the tennis courts which involves demolishing the existing tennis courts and the fence; two of the courts would be realigned and the third court would be turned 90° from the other with a practice wall. A fence would have to be installed between the courts. The tennis courts would be in approximately the same footprint. The high school will be utilizing the tennis courts at the new high school this year. There is some walkway repair to be done along the river.

Mr. Guzzi and Administrator Brook met with Richard Pendle, Public Works Superintendent, to look at the rails that need to be repaired or replaced that could be done in-house.

Mr. Guzzi asked if there are any other items Council would like to price for the park? Council Member Sandusky would like a restroom facility at Wilkie Park. Mayor Muchowski would rather see a restroom facility then replacing the outer fence and sidewalk. Mr. Guzzi will get an estimate and report back.

Current Estimate No. 2: 2006 Parks Project

Mr. Guzzi reviewed and recommended Current Estimate No. 2. He stated that the preliminary work in Marter Park has begun. The contractor is aware that construction cannot impact the

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ongoing soccer season. The contractor will have the site cleaned up every evening. The upper fields will be seeded in the fall and reseeded in the spring. Council Member asked if the existing fields could be seeded at the same time, even if it is in the spring? A Resolution will be prepared for next week's meeting.

STREET NAMES: REVIEW NEW LIST (HAMILTON DEVELOPMENT)

Discussion followed regarding saving the three (3) judges names to be used in one development. Mayor Muchowski asked that discussion be HELD so he can see what is before the Planning and Zoning Boards.

On the same topic, Joy Weiler, the Township Clerk stated that there is a memo from John Hofflinger, former Council Member, with two (2) street name suggestions and some information from Assistant Administrator Sahol. There is no list at the present time. Clerk Weiler asked if Council would like to prepare a list? Mayor Muchowski believes that Council is receptive to the historical names and suggested that time be allocated to discussion next week. Council Member Sandusky asked to add the name Hammell for a veteran who was a double amputee in the war. He will get the information for next week's meeting. Council Member Garganio suggested bridge names that Roebling Wire was used. Mayor Muchowski has had some inquiries regarding long time township business owners.

Mayor Muchowski discussed the school on W. Second Street that was named in honor of Marcella Duffy. Once the school closes, he questioned continuing the honor by naming it the Marcella Duffy Building or working with the school district to be sure that another building carries on the name. This will come up in the future.

ASSISTANT MUNICIPAL ADMINISTRATOR

FTTV: Use Policy

Assistant Administrator Sahol provided a memo with an outline policy regarding the Access TV channel use. This would apply only to the municipality since the school has their own outline policy. Council Member Garganio feels the policies should be uniform. He suggested that the subcommittee discuss policies. Mayor Muchowski agrees and stated that any recommendations from Council would be presented to the subcommittee so there are not two (2) conflicting policies.

Mayor Muchowski stated that it has been brought to his attention that some of the colors used for the letters make it difficult to read. This is something the subcommittee should discuss.

Assistant Administrator Sahol asked if Council was comfortable with the list of sub-users? Council in agreement with list of sub-users.

FARMLAND PRESERVATION: COUNTY REQUEST – ASHMORE FARM

Administrator Brook discussed the request from the County concerning the Ashmore Farm. There is one provision in there that gets the township's attention; the municipality does not have any type of tax for open space as some towns do. The County is looking for a commitment on the 20% figure, which he believes is a difficult commitment to make without knowing what the number is. Administrator Brook can inform the County that the township may be interested in looking into but cannot make a firm commitment without more information. Mayor and Council

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agree that it is a good piece for preservation but need more information. Administrator Brook will get more information for a future discussion.

Council Member Garganio asked how long it would take to add a question to the election ballot asking for a .01¢ for Farmland Preservation? Solicitor Kearns stated that it is too late for this year.

REQUEST FOR SUPPORT: LIGHTS ON ROUTE 130, FLORENCE-COLUMBUS ROAD AND CEDAR LANE

Administrator Brook discussed the letter received from Senator Diane Allen in response to a resident's concern regarding the traffic lights on Route 130 at the intersections of Florence-Columbus Road and Cedar Lane. The Department of Transportation is requesting that the township endorse them in doing a study of the lighting and scheduling to see if improvements can be made. A Resolution will be prepared for next week's meeting.

TAX REFORM

HOLD for a future discussion.

MARY BETH LONERGAN, SPECIAL COAH PLANNER: COAH

Mary Beth Lonergan, the township's Planning Consultant from Clarke, Canton, Hintz, attended the meeting this evening in order to go over some Affordable Housing issues. Part of this is a result of a COAH report requesting additional information from a preliminary review of the township's Third Round Plan that was submitted in December 2005.

Revisions to the Township's Growth Share Ordinance:

The Growth Share Ordinances across the State are a work in progress; COAH has not approved one yet. COAH has come out with a model Ordinance but there is a lot of flexibility. A lot has been learned over the last few months. Generally, the changes involve eliminating the rounding procedures. COAH will not approve rounding up or down. If the municipality owes 3.4 affordable units, a fee will have to be paid for the .4.

In addition to the rounding issue, developments that already have preliminary or final approval are exempt from the Growth Share Ordinance but will be charged an affordable housing development fee.

The last substantial change is the requirement for commercial developers to submit an Affordable Housing Production Plan upfront to the township saying how they are proposing to address their affordable housing obligation. Ms. Lonergan asked if the governing body was interested in keeping the approval process for the proposals with Council? Council in agreement to keep the approval process with Council.

Ms. Lonergan asked if there were any questions on the proposed amendments? With no questions asked, the next step is to recommend to the Planning Board.

Administrative Entity Discussion:

Ms. Lonergan explained that COAH is asking what Administrative Entity the township will utilize for the various component parts. Currently the township relies on the Multiple Sclerosis Association and Burlington County Community Action Program for administering each of their

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own units. The township will be getting more non-restricted units that the township will have to decide what administrative entity will oversee. Ms. Lonergan and Administrator Brook have spoken to a number of different entities. Administrator Brook will prepare a report reviewing the companies he has spoken to along with his recommendation for Council to review and discuss.

Duffy School:

Ms. Lonergan stated that COAH is asking for a Performa Statement. Generally they are looking for the costs involved with renovating and turning the school into senior affordable housing. In the township's plan it states that as soon as a developer is chosen through the Request for Proposals (RFP) process, that developer will have a better handle on preparing such costs and sources of funding. COAH is still asking for it, so it is in the township's best interest to come up with a simple Performa that generally states how much they think it will cost to reconstruct and where the source of funding will come from. They are looking for 100% of the funds for reconstruction to come from outside sources. A report will be prepared.

Ms. Lonergan believes that COAH will next ask the progress the municipality has made in initiating the RFP process. She realizes the school is in use this year and it is not available until the fall of 2007. After speaking with Administrator Brook on the matter, they feel at this point a subcommittee of Council should be established to start the process of what they would like to see there and what groups they would like to send the RFP's to. Council in agreement for the subcommittee to consist of: Mayor Muchowski, Council Member Garganio and Council Member Ryan.

Municipal Housing Liaison:

Ms. Lonergan asked that a Resolution be adopted appointing Richard A. Brook, Township Administrator as the Municipal Housing Liaison. He would be responsible for providing the paperwork to anyone requesting information on affordable house or direct him or her to the Administrative Agent in charge. This assures that all the paperwork that COAH requires is taken care of. A Resolution will be prepared for next week's meeting.

Group Home Providers:

Ms. Lonergan and Administrator Brook have had a series of telephone conversations with various group home providers. Administrator Brook will prepare a report of what has been discussed. Ms. Lonergan stated that some of the entities are not asking right upfront for money; they are simply asking for a commitment to become a partner with the municipality.

Mayor Muchowski thanked Ms. Lonergan for keeping the governing body informed during this overwhelming process.

ORDINANCE: WATER REGULATIONS

Administrator Brook stated that as reported at last month's Worksession David Lebak, Water and Sewer Superintendent, and Fred Riley, Alaimo Associates (Township Water and Sewer Engineer) prepared a set of rules and regulations that apply to the Water and Sewer Department. More specifically so when developers and contractors come in they can be given a copy of the rules and regulations on how they are to work, the type of materials they are to use, the methodology or protocol for turning mains on. Mr. Lebak went back after the last appearance before Council and rechecked the rules and regulations against the Ordinance and did not find any discrepancies. The language was added regarding contractors working on weekends without

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approval and what the repercussions are or how the township would handle that. An Ordinance will be presented before Council in October.

ACTION

APPLICATIONS

- A. Social Affair Permit: Florence American Legion, Francis W. Robbins, Post 194, Joe Zook Concert, September 23, 2006, 1:00PM – 6:00PM
- B. Off Premise 50/50 Raffle: Florence Township Civic Association, November 11, 2006, Florence Township Municipal Complex, 7:00PM

It was on the MOTION of Ryan, seconded by Sandusky to approve the above applications:

On the Question

None at this time.

Upon roll call Council voted as follows:

YEAS: Baldorossi, Ryan, Sandusky, Fratinardo
NOES: None
ABSENT: None
ABSTAIN: Garganio

Motion carries.

ORDINANCES

**ORDINANCE NO. 2006-24
(1st Reading)**

**AN ORDINANCE OF THE TOWNSHIP OF FLORENCE IN
BURLINGTON COUNTY, STATE OF NEW JERSEY AUTHORIZING
THE EXECUTION OF AN AGREEMENT OF SALE BETWEEN THE
TOWNSHIP OF FLORENCE AND PREFERRED REAL ESTATE
INVESTMENTS, LLC. FOR THE PORTIONS OF THE PROPERTY
GENERALLY KNOWN AS THE ROEBLING STEEL
REDEVELOPMENT SITE**

It was on the MOTION of Garganio, seconded by Sandusky to approve Ordinance No. 2006-24 on first reading and set adoption for October 4, 2006.

On the Question

Nothing at this time.

Upon roll call Council voted as follows:

YEAS: Baldorossi, Garganio, Ryan, Sandusky, Fratinardo
NOES: None
ABSENT: None

Unanimous approval.

2007 MEETING SCHEDULE

Council Member Ryan responded to Clerk Weiler's memo regarding the July 2007 meeting schedule asking since the first Wednesday of the month falls on July 4th, if Council would like to have two (2) meetings that month. Council Member Ryan suggests cutting back to two (2) meetings in July and two (2) meetings in August. Council in agreement to eliminate the first meeting of July 2007, which would have been July 4th, and the last meeting in August, which would have been August 15th.

ORDINANCE NO. 2006-24 – OVERVIEW AND PUBLIC COMMENT

Administrator Brook stated that the township introduced an Ordinance this evening, which is an agreement of sale for the Roebling Steel property. This agreement of sale will be scheduled by Ordinance to be adopted October 4th. Once the township approves it, the developer, Preferred Properties out of Conshohocken, PA, will have a 90-day due diligence period to either move with the contract of sale or pull out. The reason for the due diligence is because the property sat dormant for over 25 to 30 years and there are many complicated issues associated with the site. The general outline of the agreement of sale is upon closing on the property the Township of Florence will receive \$2.5 million; within the first five years an administrative fee will be paid to the township: approximately \$50,000 in the first and second years and then \$100,000 in each of the next three years in addition to a land tax. Once you get beyond the five years there is a schedule that has been built into the agreement in case a problem occurs or an unforeseen situation where no buildings were to go up. The fee would increase every two (2) years until it reaches \$700,000. So as long as there are no buildings on the site, Preferred will have to pay the municipality this administrative fee. After the first 15 years there will be an annual increase of 4% over the fee paid in the previous year until year 30 is reached, which is the end of the PILOT Agreement. This property, and several other properties in the area, are designated as an area in need of redevelopment. That gives the township the legal authority to negotiate with the developer for contracts of this nature and that is what has been done.

Administrator Brook explained that Preferred is primarily a developer of office complexes and if you look at the potential uses that have come along, there have been a significant number of homes which the township has no desire to see because of the impact on the school and the fact that it is a super fund site, no matter how it is cleaned up. The other large number of companies that have approached the township deal with warehouses, which would bring in so much truck traffic that it would ruin the quality of the Village of Roebling. Although NJ Transit's Light Rail is a big plus in the development of the site, there has been a great push for a significant amount of housing. Any housing on the property at all would probably be related to affordable housing and meeting the township's COAH obligation. At this point the township has reached a tentative agreement with Preferred to develop the site for a marina, office complex and maybe some light retail. All of this will be worked out and discussed in more detail with the formal redevelopment agreement that has to be adopted by the township and a formal plan that has to be approved by the Planning Board through a site plan process.

Mayor Muchowski stated that this project has been worked on for many years; there have been many surveys, ideas and much input. He praised Council for working towards an agreement that is a balance between economic growth and quality of life for the residents of the community. It is a difficult site with a long way to go before realizing its full redevelopment potential.

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Bruce Benedetti, 201 Cedar Street, stated that he is here this evening in his capacity as Business Administrator for the School District. He would like to present some requests to the governing body. He speaks for the entire School Board when he says that they are energized and excited that something is finally happening with the site. Unfortunately the way that the agreement is structured all of the benefit from the PILOT money goes to the municipal government, except for 5% that goes to the County. With the PILOT Agreement in lieu of taxes the school will not see any money for 30 years. Mr. Benedetti is requesting a meeting with the governing body and the School Board to negotiate an agreement for the school to possibly share in the tax revenue. A formal request will be forwarded to Council.

Mr. Benedetti felt that it was suggested that the PLA “did not work” for the new high school and the middle school construction projects. He wanted to assure everyone that the PLA worked very well for the school district. Administrator Brook believes that what was said may have been misconstrued. What was said was that there were issues with the site not with PLA.

Mayor Muchowski stated that over the years this Mayor and Council have had a very open dialog with the School District. Some issues have been worked on very closely together for the betterment of the community. He explained that the school district will benefit from the age restricted developments. He does not believe Council would mind if he, along with a subcommittee of Council, met with the school to hear their ideas of what they feel would be appropriate.

Mayor Muchowski addressed the PLA issue. He stated that specific conversations regarding the status of the school took place. No one pointed a finger at labor being the cause. Comments were made that the new high school was done on time and under budget and it was simply stated that it is a temporary CO, there are portions of the property that are not in use and there are some site related issues.

Administrator Brook stated that, according to EPA’s estimate, the Roebling Steel property still has \$30 to \$35 million worth of remediation work to be done. It is not an easy property to develop and most likely will take three (3) to five (5) years before the first building is up and running. It is important to remember that the developer is going to incur significant expenses when factoring in the payments that are coming to the town.

William Berry, 728 Walnut Street, would like to echo Mr. Benedetti’s comments and stated that the School Board does welcome the opportunity to meet with the township.

Mr. Berry asked that when the DOT does the traffic light study they pay special attention to the light at the intersection of Route 130 and Cedar Lane. Since the new high school opened on Cedar Lane, he notices traffic backing up on the whirlybird around 7:15 AM because the light is so quick.

Dennis Doyle, representative from the Electrician’s Union Local 269 and the Building Trades, stated that there was discussion between certain parties and he does not see what was discussed in the agreement. Administrator Brook explained that the union, while Mr. Doyle was present, made it very clear that there were certain provisions they did not want in the agreement. The township then had to make the decision whether or not to put language in the agreement that the union found difficult to accept plus language that was acceptable or eliminate it all together.

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Mr. Doyle and another representative of the union were in agreement to let the market take its course so the township decided to eliminate the language all together. Mr. Doyle believed that the language that allowed the union to communicate with the developer would be left in. Administrator Brook stated that the ability to communicate with Preferred is there and has never left. Solicitor Kearns reiterated that there is nothing in the agreement that bars the union from having discussions with the developer. Mayor Muchowski also explained that Mr. Doyle asked at the meeting last night that the language be removed because he felt it would hinder the union's negotiating position with the redeveloper. After discussing with Council the decision was made to eliminate the language. Mayor Muchowski also stated that the union has the ability to sit down and negotiate with Preferred. Mr. Doyle disagreed; that was not his understanding when he left the meeting last night. He believed that Township Council, Building Trades and Preferred would all have a seat at the table. Administrator Brook stated that the long-term goal of the governing body is to get the property developed for the long-term benefit of the residents of the township. Administrator Brook does not believe what Mr. Doyle is representing is what occurred at last evening's meeting.

Newell Kehr, 316 E. Front Street, stated that he is a past Planning Board Member and appreciates all the work the township has done and understands this is only the beginning. He also thanked the governing body for the opportunity to sit down and have a discussion with the School Board.

David Carriger, 404 E. Fifth Street, asked if there will be further discussion regarding development of the site after the sale or does the developer already know what they are going to do? His main concern is the impact the increased traffic will have on the town. Mayor Muchowski explained that there is a general idea of the development for the site, which is an office complex. Included in the process will be certain off site improvements such as road, intersection, water and sewer and electric improvements that are needed to support that use. One of the biggest concerns and restrictions is Hornberger Avenue. There is only one entrance and exit off Route 130 and that is Hornberger Avenue. Hornberger Avenue is also restricted by a two lane bridge over the creek and a two lane railroad crossing at the train station. One of the biggest concerns is what development is going to do to the traffic pattern within that immediate vicinity. These concerns will be addressed.

9:45 PM MOTION by Ryan, seconded by Sandusky to adjourn to Closed Session. Roll call vote - all ayes.

ADJOURNMENT

9:45 PM: Meeting adjourned.

Respectfully submitted,

JOY M. WEILER
Township Clerk

/mab